

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4933

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MATTHEW TROY JOHNSON,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Catherine C. Blake, District Judge. (CR-03-11)

Submitted: June 23, 2004

Decided: July 6, 2004

Before WIDENER and WILLIAMS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Kenneth W. Ravenell, SCHULMAN, TREEM, KAMINKOW, GILDEN & RAVENELL, P.A., Baltimore, Maryland, for Appellant. Thomas M. DiBiagio, United States Attorney, Charles J. Peters, Sr., Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Matthew Troy Johnson appeals his conviction and 262-month sentence for possession with intent to distribute fifty grams or more of cocaine base, in violation of 21 U.S.C. § 841(a)(1) (2000). The only issue on appeal is whether the district court erred in refusing to reopen the suppression hearing or reconsider its denial of Johnson's motion to suppress evidence. Our review is for abuse of discretion. United States v. Dickerson, 166 F.3d 667, 678 (4th Cir. 1999), overruled on other grounds, 530 U.S. 428 (2000).

After reviewing the entire record and the parties' briefs on appeal, we conclude that the district court did not abuse its discretion in refusing to reopen the hearing or reconsider its denial of the suppression motion. The district court's conclusions were based on its credibility determinations, which Johnson does not challenge. The argument Johnson presented in his motion to reconsider was insufficient to establish that the district court erred in refusing to reconsider its suppression ruling.

Accordingly, we affirm Johnson's conviction and sentence. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED